

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**JUDGE BUCHWALD  
08 CV 0061**

KATSIARYNA SHASHKEVICH,  
A 97 984 715,

Plaintiff,

v.

MICHAEL CHERTOFF, in his official capacity as  
Secretary of the Department of Homeland Security,

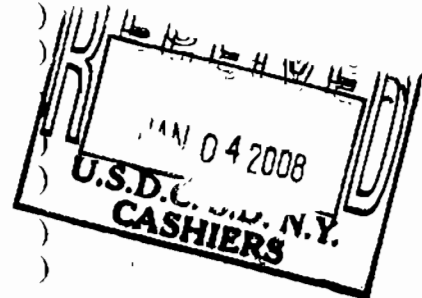
EMILIO T. GONZALEZ, in his official capacity as  
the Director of the United States Citizenship and  
Immigration Services,

ANDREA J. QUARANTILLO, in her official capacity as  
District Director of the New York City District of  
the United States Citizenship and Immigration Services,

ALBERTO GONZALES, in his official capacity as  
Attorney General of the United States, and

ROBERT S. MUELLER, in his official capacity as  
the Director of the Federal Bureau of Investigation,

Defendants.



**COMPLAINT FOR WRIT OF MANDAMUS**

**To the Honorable Judges of Said Court:**

Plaintiff, KATSIARYNA SHASHKEVICH, through undersigned counsel, alleges as follows:



## INTRODUCTION

1. This is a civil action brought pursuant to 28 U.S.C. §1331, and 28 U.S.C. §1361, to redress the deprivation of rights, privileges and immunities secured to Plaintiff to compel Defendants to perform a duty Defendants owe to Plaintiff. Jurisdiction is also conferred by 5 U.S.C. §701.

2. This action is brought to compel Defendants and those acting under them to take action on the Application to Adjust Status, Form I-485, in order for Plaintiff, to become a Permanent Resident of the United States.

3. Defendants CHERTOFF, GONZALEZ, QUARANTILLO and GONZALES are charged by law with the statutory obligation to adjudicate this Application to Adjust Status, Form I-485 within a reasonable time.

4. Defendants GONZALES and MUELLER are charged by law with the statutory obligation to complete within a reasonable time Plaintiff's criminal background check for which the Federal Bureau of Investigation ("FBI") is responsible and that is necessary for the adjudication of Plaintiff's Application to Adjust Status.

5. Current processing time for Application to Adjust Status, Form I-485, based on underlying Petition for Alien Relative, Form I-130, is about 6 months. Plaintiff's I-485 Application together with her husband's I-130 Petition for her was filed on November 10, 2003. I-130 Petition by Plaintiff's husband was approved on January 30, 2006. It has now been almost 2 years since the approval of I-130 Petition by Plaintiff's husband, and more than 4 years since Plaintiff's Application for Adjustment of Status was initially filed which is certainly beyond any reasonable time.

6. Plaintiff is eligible to have her Application to Adjust Status as of Permanent Resident adjudicated.

7. Venue is proper under 28 USC §1391(e) because the Plaintiff resides in this district and no real property is involved in this action.



## FACTS

8. Plaintiff, Katsiaryna Shashkevich, is a native and citizen of Belarus.

9. Plaintiff is married to a Citizen of the United States.

10. On November 10, 2003, Plaintiff's husband filed a Form I-130, Petition for Alien Relative, on behalf of the Plaintiff. Plaintiff's Form I-485, Application to Adjust Status was filed concurrently (See Ex. 1, copies of I-797C forms, Receipts for I-130 and I-485).

11. In January of 2006 Plaintiff and her husband appeared and were interviewed by a USCIS Officer at 26 Federal Plaza, New York, NY with regard to I-130 Petition. The I-130 Petition by Plaintiff's husband was approved on January 30, 2006 (Ex. 2, Form I-171, Notice of Approval of Relative Immigrant Visa Petition).

12. Plaintiff's I-485 Application to Adjust Status as of Permanent Resident was erroneously denied on January 27, 2006 (Ex. 3, Form I-291, Decision on Application to Adjust Status). The Decision to Deny Plaintiff's I-485 Application to Adjust Status finds the Plaintiff inadmissible under INA 212(a)(2)(D)(ii) in that she *"was arrested on 03-30-05 for unauthorized practice of prostitution in New York. Applicant was convicted upon plea of guilty in Criminal Court of New York, Case #2005NY022708 a charge of disorderly conduct and sentenced to one day of community service on 03-31-05."*

13. The Decision flagrantly misstates the facts. The Plaintiff was never arrested for *"unauthorized practice of prostitution in New York"*. Neither was the Plaintiff ever charged with practice of prostitution or even an attempt to practice it. As the charging document (Ex. 4) clearly states, the two charges against the Plaintiff were under the New York Education Law Sec. 110/6512(1) (Attempted Unauthorized Practice of a Profession - 1 count), and Sec. 6513 (Unauthorized Use of a Professional Title - 1 count). The copy of the full text the relevant sections of New York Education Law is attached as Exhibit 5. Nowhere in the charging documents, including the narrative description of the offenses in question as stated the arresting officer, or in any other court documents (Misdemeanor Complaint, ACD, Certificate of Disposition - Exhibits 6, 7, and 8 accordingly) is there any reference to, or any mention of, prostitution or prostitution-related statutes under New York Penal Law. Nowhere in the record



is there Plaintiff's admission of having engaged in prostitution. The DAO who rendered the unfavorable decision either ignored the information contained in the court documents or misinterpreted such information. The actual conviction to which the Plaintiff pleaded guilty (Disorderly Conduct with a sentence of 1 day of community service) in no way disqualifies Applicant from adjustment nor renders her inadmissible. Offenses listed in Sec. 240.20 of New York Law are not even classified as crimes but merely as violations (full text of Sec. 240.20 of New York Penal Law is attached as Exhibit 9).

14. It is to emphasize, that at the time of the interview the Plaintiff was never asked about her arrest or whether she had been arrested since the time of filing of her I-485 Application.

15. On February 27, 2006 Plaintiff through her counsel filed a Motion to Reopen/ Reconsider, form I-290B pursuant to 8 C.F.R. §§ 103.3 and 103.5 with the USCIS office in New York which issued the denial (Ex. 10, a copy of I-290B, a copy of postal Return Receipt, and a copy of a check for I-290B, cashed by USCIS, as a proof of delivery and receipt by USCIS).

16. Pursuant to 8 C.F.R. §§ 103.3 and 103.5, the USCIS office, Service Center or Consulate which issued the denial, may either take favorable action on Motion to Reopen / Reconsider or forward the Motion to the USCIS Administrative Appeals Office (AAO). Regulations state that the USCIS office is to decide whether favorable action is warranted within 45 days. If the USCIS does not reconsider and reopen the case, the appeal is to be transferred to the AAO.

17. Plaintiff's Motion to Reopen / Reconsider was filed on February 27, 2006, which is 1 year and 10 months ago, and by now USCIS office in New York, NY did not take any action on Plaintiff's Motion to Reopen / Reconsider: a favorable action was never warranted, and the case was never transferred to the AAO. Plaintiff still awaits the decision.

18. On May 10, 2006, two and a half months after filing the Motion to Reopen / Reconsider, Plaintiff scheduled an InfoPass appointment with USCIS local office at 26 Federal Plaza, New York, NY (Ex. 11) to inquire about the status of her case, whether or not the decision had been made on her Motion to Reopen, and whether her case had been forwarded to the USCIS Administrative Appeals Office. Plaintiff was advised by an USCIS information officer that her case was "not yet in the system", and, "in her opinion, Plaintiff's case was "in the Appeals Unit



downstairs". Plaintiff was advised to leave a copy of the I-290B, Motion to Reopen / Reconsider with all the Exhibits and proof of filing at the office and wait for the decision for another 6 -7 months.

19. On January 26, 2007, 11 months after Plaintiff's Motion to Reopen / Reconsider was filed, since no answer had been received, Plaintiff filed a new I-485 Application based on the approved I-130 Petition by her husband (Ex. 12, Form I-797C, Notice of Action).

20. As a result, on May 14, 2007, Plaintiff had an interview for Adjustment of Status scheduled in USCIS Garden City, NY. When Plaintiff, her husband and their counsel appeared at the interview, they were advised that the decision on Plaintiff's Application for Adjustment could not be made at that time, because a portion of the Plaintiff's file was missing. Plaintiff and her counsel spoke to the supervisor, Ms. Sharon Persaud, who promised to order a missing portion of the file from Vermont Processing Center, and that a new appointment letter for the adjustment interview would be forthcoming shortly.

21. By now, more than 7 months after the interview, Plaintiff has not received any appointment letter from USCIS Garden City office.

22. On October 19, 2007 Plaintiff called USCIS National Customer Service Center at 1-800-375-5283 to inquire about the status of her case. With regard to Plaintiff's I-485 Application for Adjustment filed on January 26, 2007, a USCIS National Customer Service Representative advised Plaintiff that her case was outside of normal processing times, however no further information was available. With regard to Plaintiff's I-290B, Motion to Reopen / Reconsider her initial Application for Adjustment filed on November 10, 2003, the USCIS National Customer Service Representative did not find any information at all. Plaintiff was advised to schedule an InfoPass appointment with USCIS local office at 26 Federal Plaza, New York, NY.

23. On the same day, October 19, 2007, Plaintiff called the USCIS Administrative Appeals Office to inquire whether Plaintiff's Motion to Reopen / Reconsider was ever forwarded to that office. The officer that the Plaintiff spoke to checked the AAO's records by Plaintiff's name and Alien Number, and denied the fact that USCIS ever forwarded Plaintiff's Motion to Reopen / Reconsider to their office.

24. On November 8, 2007, Plaintiff scheduled an InfoPass appointment with USCIS local



office at 26 Federal Plaza, New York, NY (Ex. 13) again to inquire about the status of her case. The USCIS Information Officer advised Plaintiff, that there was no trace of any I-290B, Motion to Reopen / Reconsider in their computer records, which means the Motion was never reviewed and the case was never reopened (It is to be noted again, that the I-290B was indeed received by USCIS, and the payment for \$385 for the Motion to Reopen / Reconsider was accepted by USCIS: see Ex. 10, a copy of postal Return Receipt, and a copy of the front and back of the check, cashed by USCIS). However, the USCIS Information Officer advised the Plaintiff that according to their records there was a request from USCIS office in Garden City, NY to forward the Plaintiff's file to the Garden City office. The officer could not confirm whether the file was ever retrieved from the storage and sent to the USCIS office in Garden City, NY.

25. It has now been more than 4 years since Plaintiff's Application for Adjustment of Status was initially filed and almost 2 years since the I-130, Petition for Alien Relative by Plaintiff's husband was approved, and Plaintiff's I-485 Application to Adjust Status as of Permanent Resident was denied due to a DAO's flagrant misinterpreting of the facts. It has now been almost 2 years since Plaintiff's I-290B, Motion to Reopen / Reconsider was filed, and Plaintiff's I-485 Application to Adjust Status was never reopened and reconsidered. It has now been more than 11 months since a new I-485 Application to Adjust Status as of Permanent Resident was filed based on the approved I-130 Petition by Plaintiff's husband, and Plaintiff is still unable to become a Permanent Resident of the United States.

### CLAIMS

26. Defendants have willfully and unreasonably have delayed in and have refused to make a decision on Plaintiff's for Adjustment of Status as of Permanent Resident of the United States, thereby depriving the Plaintiff of the benefit of becoming a Permanent Resident of the United States.

27. Defendants owe Plaintiff a duty to adjudicate his status, and have unreasonably failed to perform that duty.



28. Plaintiff has exhausted any administrative remedies that may exist.


WHEREFORE, Plaintiff prays that the Court:

1. Assume jurisdiction over the case and enter an order adjudicating Plaintiff's Status as of Permanent Resident of the United States; or
2. Compel Defendants and those acting under them to perform their duty to adjudicate Plaintiff's Status as of Permanent Resident of the United States; and
4. Grant Attorney's fees and costs of Court to Plaintiff under the Equal Access to Justice Act.

Dated: New York, New York

December 28, 2007

Respectfully submitted.



Boris Palant, Esq. (BP4904)

Boris Palant, P. C.

299 Broadway, Ste. 605

New York, NY 10007

Tel.: (212) 349-9795

Fax.: (212) 349-1359



**VERIFICATION**

STATE OF NEW YORK     )  
                                      )  
COUNTY OF NEW YORK    )

ss.:


KATSIARYNA SHASHKEVICH, being duly sworn, deposes and says, that deponent is the Plaintiff in the within action; that deponent has read the foregoing COMPLAINT FOR WRIT OF MANDAMUS and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein states to be alleged on information and belief, and that as to those matters deponent believes them to be true.

  
Name: KATSIARYNA SHASHKEVICH

Sworn to before me this:

28<sup>th</sup> day of December 2007

  
NOTARY PUBLIC

  
BORIS PALANT  
Notary Public, State of New York  
No. 02PA4802841  
Qualified in New York County  
Commission Expires Jan. 31, 2010





Receipt Number: MSC-04-041-12530		Case Type: I-130 - Petition for Alien Relative
Received Date: November 10, 2003	Priority Date:	Applicant: VAZQUESTELLES, JOEY
Notice Date: November 17, 2003	Page 1 OF 1	ASC Code:

ADAM MANK 292 FIFTH AVE STE 612 NEW YORK CITY NY 10001	Notice Type: Receipt Notice Amount Received: \$130.00
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The above application/petition has been received. **Please notify us immediately if any of the above information is incorrect.** Information about your local office processing times may be obtained by calling the NCSC at 1-800-375-5283. If you find it necessary to contact this office in writing, you must include a copy of this receipt notice with your inquiry.

If you have questions, you may call the BCIS National Customer Service Center at 1-800-375-5283. For TDD hearing impaired assistance, please call 1-800-767-1833.

If you have Internet access, you can visit the Bureau of Citizenship and Immigration Services website at [www.BCIS.gov](http://www.BCIS.gov) where you can find valuable information about forms, filing instructions, and immigration services and benefits.

U S BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES  
P.O. BOX 648005  
Lee's Summit, MO 64064  
National Customer Service Center: 1-800-375-5283





U.S. Department of Justice  
Immigration and Naturalization Service

## Notice of Action



Receipt Number: MSC-04-041-12533		Case Type: I-485 - Application to Register Permanent Residence or Adjust Status	
Received Date: November 10, 2003	Priority Date:	Applicant: A097984715 SHASHKEVICH, KATSIARYNA	
Notice Date: November 17, 2003	Page 1 OF 1	ASC Code: 3	

ADAM MANK 292 FIFTH AVE STE 612 NEW YORK CITY NY 10001	Notice Type: Receipt Notice Amount Received: \$305.00
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The above application has been received. Please notify us immediately if any of the above information is incorrect. If you find it necessary to contact this office in writing, you must include a copy of this receipt notice with your inquiry.

**FINGERPRINTING AND BIOMETRICS-**

The next step is to have your fingerprints and biometrics taken at a BCIS Application Support Center (ASC).

Call our National Customer Service Center (NCSC) at **1-800-375-5283** to schedule your appointment. For TDD hearing impaired assistance, please call **1-800-767-1833**.

It is important that you schedule your appointment. If you do not schedule or appear for your appointment, it could cause your application to be denied. If you need to reschedule your appointment, please call the NCSC at **1-800-375-5283**.

**WHAT TO BRING TO Your appointment -**

Please bring this letter and your photo identification to your appointment. Acceptable kinds of photo identification are:

- a passport or national photo identification issued by your country,
- a driver's license,
- a military photo identification, or
- a state-issued photo identification card.

If you do not bring this letter and photo identification, we cannot process you.

Please bring a copy of all receipt notices received from BCIS in relation to your current application for benefits.

**CASE STATUS -**

Information about your local office processing times may be obtained by calling the NCSC at 1-800-375-5283.

If you have Internet access, you can visit the Bureau of Citizenship and Immigration Services website at [www.BCIS.gov](http://www.BCIS.gov) where you can find valuable information about forms, filing instructions, and immigration services and benefits.

U.S. BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES  
P.O. BOX 648005  
Lee's Summit, MO 64064  
National Customer Service Center: 1-800-375-5283







**DEPARTMENT OF HOMELAND SECURITY  
U.S. CITIZENSHIP AND IMMIGRATION SERVICES**

**NOTICE OF APPROVAL OF RELATIVE IMMIGRANT VISA PETITION**

**NAME AND ADDRESS OF APPLICANT/PETITIONER**

**JOEY VAZQUESTELLES  
1145 UNIVERSITY AVENUE APT 21  
BRONX, NY 10452**

<b>NAME OF BENEFICIARY</b> <b>KATSIARYNA SHASHKEVICH</b>	
<b>CLASSIFICATION</b> <b>201(b)A</b>	<b>FILE NO.</b> <b>A97 984 715</b>
<b>DATE PETITION FILED</b> <b>11/10/03</b>	<b>DATE OF APPROVAL OF PETITION</b> <b>01/30/06</b>

**DATE: February 18, 2006**

The visa petition you filed has been approved. The beneficiary for whom you filed has been given the appropriate classification. Note the approval gives no assurance that the beneficiary will automatically be found eligible for visa issuance, admission to the United States or adjustment to lawful permanent resident status. Whether the beneficiary gets a visa is decided only when an application is made to a consular officer; whether the beneficiary is admitted or adjusts status in the United States is decided only when an application is made to an immigration officer.

1. ☐ YOUR PETITION TO CLASSIFY THE BENEFICIARY AS AN IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN HAS BEEN FORWARDED TO THE UNITED STATES CONSULATE AT \_\_\_\_\_. THIS COMPLETES ALL ACTION BY THIS SERVICE ON THE PETITION. THE UNITED STATES CONSULATE, WHICH IS PART OF THE DEPARTMENT OF STATE, WILL CONTACT THE BENEFICIARY AND GIVE INSTRUCTIONS ABOUT GETTING A VISA. QUESTIONS ABOUT GETTING A VISA SHOULD BE MADE TO THE UNITED STATES CONSUL.
2. ☐ IF YOU BECOME A NATURALIZED CITIZEN OF THE UNITED STATES AND AN IMMIGRANT VISA HAS NOT YET BEEN ISSUED TO THE BENEFICIARY NOTIFY THIS OFFICE IMMEDIATELY, GIVING THE DATE OF YOUR NATURALIZATION. IF THE PETITION WAS IN BEHALF OF YOUR SON OR DAUGHTER, PLEASE ADVISE WHETHER THAT PERSON IS STILL UNMARRIED. THIS INFORMATION MAY BE HELPFUL TO THE BENEFICIARY IN GETTING A VISA FASTER.
3. ☐ YOUR PETITION FOR PREFERENCE CLASSIFICATION HAS BEEN FORWARDED TO THE UNITED STATES CONSULATE AT \_\_\_\_\_. THIS COMPLETES ALL ACTION BY THE SERVICE. THIS SERVICE DOES NOT ISSUE VISAS IN OTHER COUNTRIES. VISAS ARE ISSUED ONLY BY UNITED STATES CONSULS WHO ARE EMPLOYEES OF THE UNITED STATES DEPARTMENT OF STATE. WHEN THE BENEFICIARY'S TURN IS REACHED ON THE VISA WAITING LIST, THE UNITED STATES CONSUL WILL CONTACT THE BENEFICIARY AND GIVE INSTRUCTIONS ABOUT GETTING A VISA. VISAS ARE ISSUED ACCORDING TO THE DATE THE PETITION WAS FILED. QUESTIONS ABOUT GETTING A VISA SHOULD BE ADDRESSED TO THE UNITED STATES CONSUL.
4. ☐ YOUR PETITION SAYS THAT THE BENEFICIARY IS IN THE UNITED STATES AND WILL APPLY TO BECOME A LAWFUL PERMANENT RESIDENT. THE ENCLOSED APPLICATION (FORM I-485) SHOULD BE COMPLETED AND SUBMITTED BY THE BENEFICIARY WITHIN 30 DAYS. (IF THE BENEFICIARY PREVIOUSLY SUBMITTED SUCH AN APPLICATION AND HAD IT RETURNED, IT SHOULD BE RESUBMITTED WITHIN 30 DAYS.)
5. ☒ THE BENEFICIARY WILL BE INFORMED OF THE DECISION MADE ON THE PENDING APPLICATION TO BECOME A LAWFUL PERMANENT RESIDENT.
6. ☐ THE PETITION SAYS THAT THE BENEFICIARY IS IN THE UNITED STATES AND WILL APPLY TO BECOME A LAWFUL PERMANENT RESIDENT. THE BENEFICIARY MAY NOT APPLY TO BECOME A PERMANENT RESIDENT. HOWEVER UNTIL A VISA NUMBER IS AVAILABLE. INFORMATION ABOUT VISA NUMBERS MAY BE OBTAINED FROM THE UNITED STATES DEPARTMENT OF STATE, BUREAU OF CONSULAR AFFAIRS, WASHINGTON, DC.
7. ☐ ORIGINAL DOCUMENTS SUBMITTED IN SUPPORT OF YOUR PETITION UNACCOMPANIED BY COPIES HAVE BEEN MADE A PERMANENT PART OF THE PETITION. ANY OTHERS ARE BEING RETURNED WITH THIS FORM.

8. ☒ **REMARKS.**

**CC: BORIS PALANT ESQ  
PALANT & MILGROM PC  
299 BROADWAY SUITE 605  
NEW YORK, NY 10007**

**VERY TRULY YOURS**

*MaryAnn Gantner*  
**MaryAnn Gantner  
DISTRICT DIRECTOR  
NEW YORK DISTRICT**





DEPARTMENT OF HOMELAND SECURITY  
UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES  
26 Federal Plaza  
New York, NY 10278

Katsiaryna Shashkevich  
1145 University Avenue  
Apt 2 I Bronx, NY 10452

Date: January 27, 2006  
File No: A 97984715

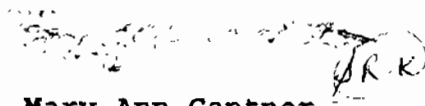
DECISION

Upon consideration, it is ordered that your application for status as a permanent resident be denied for the following reason:

SEE ATTACHED

You will be further advised of procedures to effect your departure from the United States.

Sincerely

  
Mary Ann Gantner  
Interim District Director  
New York District

CC: Boris Palant Esq.  
Palant & Milgrom, PC  
299 Broadway, Suite 605

New York, NY 10007

Certified Mail  
Return Receipt Requested

Any Employment Authorization that you have been issued is hereby terminated.



ATTACHMENT

The applicant has applied for the benefits of Section 245 on the Immigration and Nationality Act as amended.

Section 245 of the Act provides in pertinent part:

(a) The status of an alien who was inspected and admitted or paroled into the United States may be adjusted by the Attorney General in her discretion and or under such regulations as she may prescribe, to that of an alien lawfully admitted for permanent if... (2) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence, and (3) an immigrant visa is immediately available to him at the time his application is filed.

Section 201 of the Act enumerates those aliens eligible to be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence. The application to register permanent residence or adjust status has been denied. The applicant is found inadmissible under INA 212(a)(2)(D)(ii) of the Immigration and Nationality Act.


Applicant was arrested on 03/30/05 for Unauthorized Practice of Prostitution in New York. Applicant was convicted upon plea of guilty in Criminal Court of New York, Case #2005NY022708 a charge of disorderly conduct and sentenced to one day of community service on 03/31/05.

Any Employment Authorization which you have been issued is hereby terminated.



CRIMINAL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

Page 1 of 1

THE PEOPLE OF THE STATE OF NEW YORK -against-	MISDEMEANOR
1. Katsiaryna Shashkevich (F 22)	 529327
Defendant.	

Police Officer Timothy Liffey, shield 00000 of the Vice Squad, states as follows:

On March 30, 2005, at about 19:10 hours at 252 West 31st Street in the County and State of New York, the Defendant committed the offenses of:

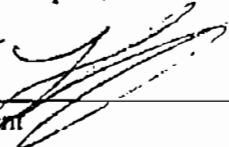
- ✓
1. EdLaw110/6512(1) Attempted Unauthorized Practice of a Profession  
(1 count)
  2. EdLaw6513 Unauthorized Use of a Professional Title  
(1 count)

the defendant, not being authorized to do so, attempted to practice and hold himself out as being able to practice a profession in which a license is a prerequisite to the practice of the acts.; and the defendant, not being authorized to use a professional title regulated by article Title VIII of the Education Law, used such professional title.

The offenses were committed under the following circumstances:

Deponent is informed by Yaffa Srinieas, of an address known to the District Attorney's Office, that informant did receive a massage from defendant for a price of eighty dollars (\$80.00). Deponent further states that defendant was not displaying a license issued by the Department of Education. Deponent further states that defendant could not produce a license issued by the Department of Education when asked.

False statements made herein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law.

DET   
Deponent

3/31/05 0040Hes  
Date and Time

2005NY02271





§ 110. Refunds. 1. Moneys received by the state education department pursuant to this chapter prior to July first, nineteen hundred forty-two, may be refunded: (a) Where such moneys were not required by law or regents' rule. (b) Where such moneys were in excess of the amounts required by law or regents' rule. (c) Where fees are paid by applicants who are not permitted to enter examinations for which such fees are paid. Any such moneys received after July first, nineteen hundred forty-two shall not be so refunded unless application for such refund has been made within two years after its receipt by the state education department, except that applicants for professional licenses may make an application for a refund within two years of the withdrawal or denial of the application, whichever occurs first.

2. Applicants for professional licenses not receiving such licenses may be granted partial refunds not exceeding fifty percent of the fee paid to the department unless they have failed the examinations for such licenses, in which case such applicants may not receive a refund. Each applicant for a professional license who has at any time received a partial refund of an initial license application fee shall pay all required fees upon submitting any subsequent application for initial licensure.

§ 6512. Unauthorized practice a crime. 1. Anyone not authorized to practice under this title who practices or offers to practice or holds himself out as being able to practice in any profession in which a license is a prerequisite to the practice of the acts, or who practices any profession as an exempt person during the time when his professional license is suspended, revoked or annulled, or who aids or abets an unlicensed person to practice a profession, or who fraudulently sells, files, furnishes, obtains, or who attempts fraudulently to sell, file, furnish or obtain any diploma, license, record or permit purporting to authorize the practice of a profession, shall be guilty of a class E felony.

2. Anyone who knowingly aids or abets three or more unlicensed persons to practice a profession or employs or holds such unlicensed persons out as being able to practice in any profession in which a license is a prerequisite to the practice of the acts, or who knowingly aids or abets three or more persons to practice any profession as exempt persons during the time when the professional licenses of such persons are suspended, revoked or annulled, shall be guilty of a class E felony.

§ 6513. Unauthorized use of a professional title a crime. 1. Anyone not authorized to use a professional title regulated by this title, and who uses such professional title, shall be guilty of a class A misdemeanor.

2. Anyone who knowingly aids or abets three or more persons not authorized to use a professional title regulated by this title, to use such professional title, or knowingly employs three or more persons not authorized to use a professional title regulated by this title, who use such professional title in the course of such employment, shall be guilty of a class E felony.



# New York City Criminal Court New York County Misdemeanor Complaint

The People of the State of New York  
vs.

Defendant:  
1 KATSIARYNA SHASHKEVICH (F 22)  
M05628381 3/30/2005 19:15  
1155 UNIVERSITY P  
MANHATTAN NY

Charges:  
EdLaw110/6512(1)  
EdLaw6513

2005NY022708



ENT  
S-V

MS. PD.  
CIVIL PD.

2.

3.

4.

Interpreter: Language \_\_\_\_\_

Screener: Lenzner, Jonathan - Trial Bureau 50

## Notices Served at Arraignment:

- ☐ CPL 710.30(1)(A) - Statement  
☐ CPL 710.30(1)(B) - Identification  
☐ CPL 250.20 - Alibi  
☐ PL 450.10(48 hrs /15 days) - Property  
☐ CPL 170.20 - Grand Jury  
☐ Cross Grand Jury  
☐ OTHER: \_\_\_\_\_

## Documents:

### Served at Arraignment:

- ☐ Supporting Deposition  
☐ DMV Abstract  
☐ Lab Report/ Field Test  
☐ DWI Paperwork  
☐ Domestic Incident Report  
☐ Family Registry  
☐ Underlying T.O.P.

## Needed For Conversion

- ☐  
☐  
☐  
☐  
☐  
☐

## Adjourment:

Part: ASC

Date: 5-10-05

## Bail Condition:

- (Ins. Co. Bail Bond) (Cash Bail)  
☐ ART 730 Exam Ordered  
☐ Protective Custody  
☐ Medical Attention  
☐ Psychiatric Evaluation  
☐ Suicide Watch  
☐ Deemed an Information  
Defense Motions Due:  
☐ T.O.P./F.O.P.

## Disposition:

- ☐ ACD - CPL 170.55  
☐ ACD - CPL 170.58  
☒ Waives Prosecution by Information  
and Pleads Guilty to  
PL 240.20/  
☐ Investigation & Sentenced Ordered

## Sentence:(or Promise)

- \_\_\_\_\_ days jail  
Conditional Discharge:  
\_\_\_\_\_ Days Community Service  
\_\_\_\_\_ Days Jail Alternative  
Other: \_\_\_\_\_  
Mandatory Surcharge (and CVA) Civil Judgment  
\$160 Misd. / \$95 Viol. / \$50 VTL Entered

Arresting Officer  
Timothy Liley  
00000  
Vice Squad

Court Reporter

Date

Part

Judge

HON. KATHRYN E. FREED

MAR 3 1 2005

AR2



## RECORD OF COURT ACTION

Form CRC 151.1

Date	Court Action	1	Adj. Request	Present	Absent	Notify	Excused
MAY -10 2005	COMMUNITY SERVICE COMPLETED		People	Officer	Officer	Officer	Officer
Part	ASC		Defense	Complainant	Complainant	Complainant	Complainant
Reporter			Consent	Defendant	Defendant	Defendant	Defendant
Judge			Court	Attorney	Attorney	Attorney	Attorney
Bail Condition		Reason for Adjournment					
		SPEEDY TRIAL					
		_____Adjournment period to be excluded under 30.30 CPL					
		_____Adjournment period to be charged under 30.30 CPL					
		_____The defendant, being without counsel, consents to this adjournment after having been advised of his rights under the Speedy Trial Rules and the effect of his consent.					
		_____The defendant, upon being released on his own recognizance, was directed by the Court pursuant to Sec. 510.40 of the CPL.					
Date	Court Action	2	Adj. Request	Present	Absent	Notify	Excused
			People	Officer	Officer	Officer	Officer
			Defense	Complainant	Complainant	Complainant	Complainant
			Consent	Defendant	Defendant	Defendant	Defendant
			Court	Attorney	Attorney	Attorney	Attorney
Bail Condition		Reason for Adjournment					
		SPEEDY TRIAL					
		_____Adjournment period to be excluded under 30.30 CPL					
		_____Adjournment period to be charged under 30.30 CPL					
		_____The defendant, being without counsel, consents to this adjournment after having been advised of his rights under the Speedy Trial Rules and the effect of his consent.					
		_____The defendant, upon being released on his own recognizance, was directed by the Court pursuant to Sec. 510.40 of the CPL.					
Date	Court Action	3	Adj. Request	Present	Absent	Notify	Excused
			People	Officer	Officer	Officer	Officer
			Defense	Complainant	Complainant	Complainant	Complainant
			Consent	Defendant	Defendant	Defendant	Defendant
			Court	Attorney	Attorney	Attorney	Attorney
Bail Condition		Reason for Adjournment					
		SPEEDY TRIAL					
		_____Adjournment period to be excluded under 30.30 CPL					
		_____Adjournment period to be charged under 30.30 CPL					
		_____The defendant, being without counsel, consents to this adjournment after having been advised of his rights under the Speedy Trial Rules and the effect of his consent.					
		_____The defendant, upon being released on his own recognizance, was directed by the Court pursuant to Sec. 510.40 of the CPL.					
Date	Court Action	4	Adj. Request	Present	Absent	Notify	Excused
			People	Officer	Officer	Officer	Officer
			Defense	Complainant	Complainant	Complainant	Complainant
			Consent	Defendant	Defendant	Defendant	Defendant
			Court	Attorney	Attorney	Attorney	Attorney
Bail Condition		Reason for Adjournment					
		SPEEDY TRIAL					
		_____Adjournment period to be excluded under 30.30 CPL					
		_____Adjournment period to be charged under 30.30 CPL					
		_____The defendant, being without counsel, consents to this adjournment after having been advised of his rights under the Speedy Trial Rules and the effect of his consent.					
		_____The defendant, upon being released on his own recognizance, was directed by the Court pursuant to Sec. 510.40 of the CPL.					

Court No.



CRIMINAL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK  
VS

CERTIFICATE OF DISPOSITION  
NUMBER: 38483

SHASHKEVICH, KATSIARYNA  
Defendant

10/13/1982  
Date of Birth

1155 UNIVERSITY P  
Address

8055272P  
NYSID Number

MANHATTAN NY  
City State Zip

03/30/2005  
Date of Arrest/Issue

Docket Number: 2005NY022708

Summons No:

ED 65130 110-ED 65120  
Arraignment Charges

Case Disposition Information:

Date	Court Action	Judge	Part
03/31/2005	PLED GUILTY & SENTENCE IMPOSED PG 240.20 CONDITIONAL DISCHARGE=1Y COMMUNITY SERVICE=1D	FREED, K	APAR2

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN  
THIS COURT.

SMITH, S  
COURT OFFICIAL SIGNATURE AND SEAL

05/05/2005  
DATE

FEE: 10.00

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT  
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)



**Section 240.20 Disorderly conduct**

A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

1. He engages in fighting or in violent, tumultuous or threatening behavior; or
2. He makes unreasonable noise; or
3. In a public place, he uses abusive or obscene language, or makes an obscene gesture; or
4. Without lawful authority, he disturbs any lawful assembly or meeting of persons; or
5. He obstructs vehicular or pedestrian traffic; or
6. He congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or
7. He creates a hazardous or physically offensive condition by any act which serves no legitimate purpose.

Disorderly conduct is a violation.



U.S. Department of Justice  
Immigration and Naturalization ServiceNotice of Entry of Appearance  
as Attorney or Representative

**Appearance** - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. **Availability of Records** - During the time a case is pending, and except as otherwise provided in 8CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10.

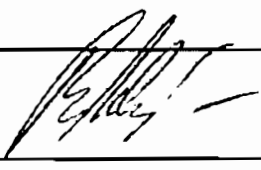
In re: <b>I-290B</b> <b>MOTION TO REOPEN</b>	Date <b>02/24/2006</b>
	File No. <b>97-084-715</b>

I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s):

Name <b>Katsiaryna SHASHKEVICH</b>	<input type="checkbox"/> Petitioner <input type="checkbox"/> Beneficiary	<input checked="" type="checkbox"/> Applicant
Address (Apt. No.) (Number & Street) (City) (State) (ZIP Code) <b>21 1145 University Avenue Bronx New York</b>		
Name	<input type="checkbox"/> Petitioner <input type="checkbox"/> Beneficiary	<input type="checkbox"/> Applicant
Address (Apt. No.) (Number & Street) (City) (State) (ZIP Code)		

Check applicable item(s) below:

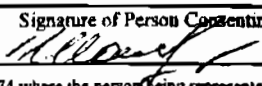
- ☒ 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia  
**New York Court of Appeals** and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law.
- ☐ 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:
- ☐ 3. I am associated with \_\_\_\_\_ the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)
- ☐ 4. Others (Explain fully)

SIGNATURE 	COMPLETE ADDRESS <b>PALANT &amp; MILGROM, PC 299 BROADWAY, SUITE 605 NEW YORK NY 10007</b>
NAME (Type or Print) <b>BORIS PALANT, Esq.</b>	TELEPHONE NUMBER <b>212-349-9795 212-349-1358</b>

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS.

(Name of Attorney or Representative)

THE ABOVE DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER:

Name of Person Consenting <b>Katsiaryna SHASHKEVICH</b>	Signature of Person Consenting 	Date <b>02/24/2006</b>
(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence)		

This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is contained in 8CFR 103.10 and 103.20 Et. Seq.

Form G-28 (09-26-00)Y



**Name: SHASHKEVICH, KATSIARYNA A-Number: 97-984-715 Date: February 24, 2006**  
**Addendum for Form I-290F**

Addendum to I-290B, Item 3.

contained in the court documents or misinterpreted such information.

In the absence of the prostitution charge, the only remaining issue is the actual conviction to which Applicant pleaded guilty (Disorderly Conduct with a sentence of 1 day of community service). This conviction in no way disqualifies Applicant from adjustment nor renders her inadmissible. Offenses listed in Sec. 240.20 of New York Law are not even classified as crimes but merely as violations (full text of Sec. 240.20 of New York Penal Law is attached as Exhibit 7). With the underlying I-130 Relative's Petition being approved (Approval attached as Exhibit 8), the Applicant herein is entitled to adjustment of status to that of an LPR. Please reconsider and adjudicate favorably.

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**Name: Katsiaryna Shashkevich**

**Appointment Question about case**

**Type:**

**Confirmation NYC-06-74908**

**No.:**

**Appointment May 10, 2006**

**Date:**

**Authentication 30ae**

**Code:**

**Appointment 7:45**

**Time: AM**

**Location: 26 FEDERAL PLAZA, New York, NY 10278; Room 310**

**This is your Confirmation  
Number:**



**If you wish to cancel this appointment, you will need the  
following Personal Identification Number:  
77272**

**Please be on time. Failure to show up on time will result in the cancellation of  
your appointment. You will then need to reschedule your appointment. You will  
not be admitted more than 15 minutes before your scheduled appointment time.**

- **You must appear in person and bring photo identification along with this appointment letter.**
- **Acceptable forms of identification are any of the following: Government issued identification, passport, valid driver's license, I-94, Work Authorization Card, or Permanent Resident Card. (Green Card)**
- **In order to serve you more efficiently, we require you to bring all applicable immigration forms, letters, receipts, translations and originals of supporting documents.**



Department of Homeland Security  
U.S. Citizenship and Immigration Services

I-797C, Notice of Action

# THE UNITED STATES OF AMERICA

Receipt Number: MSC-07-118-18158		Case Type: I-485 - Application to Register Permanent Residence or Adjust Status	
Received Date: January 26, 2007	Priority Date:	Applicant:	A097984715 SHASHKEVICH, KATSIARYNA
Notice Date: January 31, 2007	Page 1 OF 1	ASC Code:	3

BORIS PALANT 299 BROADWAY STE 605 NEW YORK NY 10007	Notice Type: Receipt Notice  Amount Received: \$395.00
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The above application has been received. **Please notify us immediately if any of the above information is incorrect.** If you find it necessary to contact this office in writing, you must include a copy of this receipt notice with your inquiry.

## BIOMETRICS-

The next step is to have your biometrics taken, if required, at a US Citizenship and Immigration Services (USCIS) Application Support Center (ASC).

## PLEASE NOTE-

**USCIS WILL SCHEDULE YOUR BIOMETRICS APPOINTMENT** You will be receiving an appointment notice with a specific time, date and place where you will have your fingerprints and/or photos taken.

## WHAT TO BRING TO Your appointment -

Please bring this letter and your photo identification to your appointment. Acceptable kinds of photo identification are:

- a passport or national photo identification issued by your country,
- a driver's license,
- a military photo identification, or
- a state-issued photo identification card.

**If you do not bring this letter and photo identification, we cannot process you.**

**Please bring a copy of all receipt notices received from USCIS in relation to your current application for benefits.**

## CASE STATUS -

Information about your local office processing times may be obtained by calling the NCSC at 1-800-375-5283.

If you have Internet access, you can visit the United States Citizenship and Immigration Services website at [www.USCIS.gov](http://www.USCIS.gov) where you can find valuable information about forms, filing instructions, and immigration services and benefits.

U. S. Citizenship and Immigration Services  
P.O. Box 648005  
Lee's Summit, MO 64064  
National Customer Service Center: 1-800-375-5283







**Name:** Katsiaryna Shashkevich  
**Appointment Type:** ADIT Processing  
**Confirmation No.:** NYC-07-117394 **Authentication Code:** 30ae  
**Appointment Date:** November 8, 2007  
**Appointment Time:** 8:30 AM  
**Location:** 26 FEDERAL PLAZA, New York, NY 10278; Lobby 1-102

**This is your Confirmation  
Number:**



**Please be on time. Failure to show up on time will result in the cancellation of your appointment. You will then need to reschedule your appointment. You will not be admitted more than 15 minutes before your scheduled appointment time.**

- **You must appear in person and bring photo identification along with this appointment letter.**
- **Acceptable forms of identification are any of the following: Government issued identification, passport, valid driver's license, I-94, Work Authorization Card, or Permanent Resident Card. (Green Card)**
- **In order that we may serve you more efficiently, we recommend that you bring all applicable immigration forms, letters, receipts and supporting documents. If translations are used, they should be certified. Please bring the original documents as well.**